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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH F. FRANKL, Regional Director of
Region 20 of the National Labor Relations
Board, for and on behalf of the NATIONAL
LABOR RELATIONS BOARD,

Petitioner

vs.

UNITED SITE SERVICES OF CALIFORNIA,
INC.

Respondent

Civil No. 2:15-CV-01360-TLN-CKD

[AMENDED PROPOSED]

TEMPORARY INJUNCTION

This case came to be heard upon the Petition of Petitioner Joseph F. Frankl, Regional Director of Region 20 of the National Labor Relations Board (the Board), for and on behalf of the Board, for a temporary injunction pursuant to Section 10(j) of the National Labor Relations Act, as amended [29 U.S.C. § 160(j)] (the Act), pending the final disposition of the matters herein involved now pending before said Board, and upon the issuance of an Order to Show Cause why injunctive relief should not be granted as prayed in said Petition. All parties were afforded full opportunity to be heard, and the Court, upon consideration of

1 the pleadings, evidence, briefs, arguments of counsel, and the entire record in the case, finds
2 and concludes that, in the underlying administrative proceeding in Board Cases 20-CA-
3 139280 and 20-CA-149509, there is a likelihood that Petitioner will establish that United Site
4 Services of California, Inc. (Respondent), has engaged in, and is engaging in, acts and
5 conduct in violation of Section 8(a)(1), (3), and (5) of the Act [29 U.S.C. § 158(a)(1), (3),
6 and (5)] affecting commerce within the meaning of Section 2, subsections (6) and (7) of the
7 Act [29 U.S.C. § 152(6) and (7)], and that in balancing the equities in this matter, the said
8 violations of the Act will likely be repeated or continued and will irreparably harm
9 Respondent's employees, the Teamsters Local 315, IBT (the Union or "Teamsters"), and
10 the public interest, and will thwart the purposes and policies of the Act, unless enjoined.

11 Now, therefore, upon the entire record, it is hereby ORDERED, ADJUDGED
12 AND DECREED that, pending the final disposition of the matters now pending before the
13 Board, Respondent, its officers, representatives, supervisors, agents, servants, employees,
14 attorneys and all persons acting on its behalf or in participation with it, be, and they hereby
15 are, enjoined and restrained from:

16 (a) Failing or refusing since October 17, 2014, to recall and reinstate
17 former economic strikers at its Benicia, California facility because they joined or
18 assisted the Union by, among other things, participating in a strike, or because they
19 engaged in other protected concerted activities for the purpose of collective
20 bargaining or other mutual aid or protection.

21 (b) Prematurely removing former economic strikers from preferential
22 recall consideration at its Benicia, California facility.

1 (c) Withdrawing recognition from Teamsters, Local 315 (“the Union”) as
2 the exclusive collective-bargaining representative of the following unit employees at
3 its Benicia, California facility:

4 All full-time and regular part-time Service Technicians, Lead Service
5 Technicians, Pick-Up and Delivery Drivers, Mechanics, Laborers, and Fence
6 Installers employed by the Employer at its 1 Oak Road, Benicia, California
7 facility, but excluding Dispatchers, supervisors and guards as defined by the
8 Act.

9 (d) In any other like or related manner, interfering with its employees’
10 rights guaranteed them under Section 7 of the National Labor Relations Act.

11 It is further ORDERED, ADJUDGED AND DECREED that, pending the
12 final disposition of the matter herein now pending before the Board, Respondent, its officers,
13 representatives, supervisors, agents, servants, employees, attorneys and all persons acting on
14 its behalf or in participation with it, shall take the following affirmative steps:

15 (a) Within five (5) days of the date of this Order, offer interim
16 reinstatement, in writing to the following former strikers who have not yet been
17 reinstated to their former positions or, if those jobs no longer exist, to substantially
18 equivalent positions, at their previous wages and working conditions and without
19 prejudice to their seniority or any other rights or privileges previously enjoyed
20 dismissing, if necessary, first any of the seven (7) employees shown in these
21 proceedings to have been illegitimately claimed as permanent hires made during the
22 strike and, second, any permanent replacements hired during the strike; and reinstate
23 the said former strikers immediately upon acceptance of the offer:

Walter Buckner	Service Technician
Jorge Rodriguez	Service Technician
Robert Harris	Service Technician
Ernesto Pantoja	Utility Driver
Gerardo Alvarez	Service Technician
Daniel Ruiz	Yard Associate
Juan Romo Perez	Fence Driver
Juan Carlos Rodriguez	Mechanic

(b) Should any of the following former strikers not be Ordered reinstated on an interim basis, within five (5) days of the date of this Order rescind the cancellation of the following former strikers' recall rights, in writing, and reinstitute them to the preferential hiring list so that they may be subject to interim recall as vacancies occur: Walter Buckner, Jorge Rodriguez, and Daniel Ruiz.

(c) The Offers shall be mailed via regular and certified mail to each of the above-stated former strikers at their current and valid address, and copies of mailed Offers shall also be emailed to Petitioner within two (2) calendar days of mailing; former-strikers receiving an Offer shall have at least fourteen (14) calendar days to accept; and Respondent shall reinstate those who validly accept the Offer within five (5) calendar days of said acceptance.

(d) Within five (5) days of the date of this Order, resume recognizing and bargaining in good faith with the Union as the exclusive collective-bargaining representative of its Unit employees employed at its Benicia, California facility, and communicate the same to the Union in writing.

(e) Within seven (7) days of the date of this Order, post copies of the District Court's Order at its Benicia, California facility in all places where notices to

1 its employees are normally posted, maintain these postings during the Board's
2 administrative proceeding free from all obstructions and defacements, grant all
3 employees free and unrestricted access to view said postings, and grant to agents of
4 the Board reasonable access to its facilities to monitor compliance with this posting
5 requirement.

6 (f) Within ten (10) days of the date of this Order, at a mandatory meeting
7 or meetings scheduled during work time to ensure the widest possible attendance,
8 cause a responsible agent of Respondent to read this Order to the employees on work
9 time in the presence of a Board agent or, alternatively, allow a Board agent to read
10 this Order to employees during work time in the presence of Area Manager Steve
11 Gutierrez or a Respondent official of equal or higher rank.

12 (g) Within twenty-eight (28) days of the date of this Order, file with the
13 District Court and serve upon the Regional Director of Region 20 of the Board, a
14 sworn affidavit from a responsible official of Respondent describing with specificity
15 the manner in which Respondent has complied with the terms of the Court's decree,
16 including the locations of the posted documents

17 It is further ORDERED that this case shall remain on the docket of this Court
18 and, on compliance by Respondent with its obligations undertaken hereto and upon
19 disposition of the matters pending before the Board, the Petitioner shall cause this proceeding
20 to be dismissed.

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22 IT IS SO ORDERED at Sacramento, California, this _____ day of
23 _____, 2015.

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United States District Judge